111TH CONGRESS 1ST SESSION

S. 1143

To amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

IN THE SENATE OF THE UNITED STATES

May 21, 2009

Mr. Durbin introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies and health centers.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Public Health Work-
- 5 force Development Act of 2009".
- 6 SEC. 2. FINDINGS.
- 7 Congress makes the following findings:

- (1) The ability of the public health system to prevent, respond to, and recover from bioterrorism, acute outbreaks of infectious diseases, or other health threats and emergencies, and to prevent and reduce chronic disease, depends upon the existence of adequate numbers of well-trained public health professionals in Federal, State, local, and tribal pub-lic health departments and health centers.
 - (2) The public health system has an aging staff nearing retirement with no clear pipeline of highly-skilled and capable employees to fill the void, with the average age of the State public health workforce at 47 years.
 - (3) Retirement rates in some State public health agencies were as high as 20 percent as of June 2007, and projected to be as high as 45 percent in 2009.
 - (4) The ratio of public health workers to the population has dropped from 219 per 100,000 in 1980 to 158 per 100,000 in 2000, while responsibilities of such workers have continued to expand.
 - (5) Public health nurses comprise the largest segment of the public health workforce. A study by the Institute of Medicine in 2003 identified nursing as facing one of the most severe shortages of public

- health workers. The average age of public health nurses is nearly 50 years, with the leaders of State public health nursing averaging more than 30 years of service. In one State nearly 40 percent of the public health nursing workforce was eligible for retirement as of June 2007.
 - (6) According to the Association of State and Territorial Health Officials, most of the approximately 6,400 graduates from accredited schools of public health took jobs in the private sector in 2004. The Bureau of Labor Statistics projects that there will be an increase in private sector demand for highly-educated graduates in scientific fields during the 10-year period ending in 2017. Public health agencies will have difficulty competing for those highly-skilled scientists.
 - (7) As of June 2007, approximately 42 percent of the epidemiology workforce in State and territorial health departments lacked formal academic training in epidemiology. States have reported that approximately 47 percent more epidemiologists are needed to adequately prevent and control avian influenza and other emerging diseases.
 - (8) The Partnership for Public Service reports that in the field of microbiology, there are more than

- 4 times as many full-time permanent employees over age 40 as under age 40 at the Centers for Disease Control and Prevention. Among full-time permanent employees with medical backgrounds at the Centers for Disease Control and Prevention and the Food and Drug Administration, there are 3 times as many employees over 40 years of age as under 40.
 - (9) More than 50 percent of States cite the lack of qualified individuals or individuals willing to relocate as being a major barrier to preparedness. A study conducted by the Health Resources and Services Association reported difficulty with recruiting more educated, skilled public health providers to work in traditionally medically underserved areas, such as rural populations. Public health agencies continue to face an unmet need for public health workers who are bilingual and culturally competent.
 - (10) Lack of access to advanced education, including baccalaureate nursing and graduate studies, is a significant barrier to upgrading the existing public health workforce, particularly in rural areas.

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1	SEC. 3. PUBLIC HEALTH WORKFORCE RECRUITMENT AND
2	RETENTION PROGRAMS.
3	Part E of title VII of the Public Health Service Act
4	(42 U.S.C. 294n et seq.) is amended by adding at the end
5	the following:
6	"Subpart 3—Public Health Workforce Recruitment
7	and Retention Programs
8	"SEC. 780. PUBLIC HEALTH WORKFORCE SCHOLARSHIP
9	PROGRAM.
10	"(a) Establishment.—The Secretary shall estab-
11	lish the Public Health Workforce Scholarship Program
12	(referred to in this section as the 'Program') to assure
13	an adequate supply of public health professionals to elimi-
14	nate critical public health workforce shortages in Federal,
15	State, local, and tribal public health agencies and health
16	centers.
17	"(b) Eligibility.—To be eligible to participate in
18	the Program, an individual shall—
19	"(1) be accepted for enrollment, or be enrolled,
20	as a full-time student—
21	"(A) in an accredited (as determined by
22	the Secretary) educational institution in a State
23	or territory; and
24	"(B) in a course of study or program, of-
25	fered by such institution and approved by the
26	Secretary, leading to a health professions de-

1	gree (graduate, undergraduate, or associate) or
2	certificate, which may include public health,
3	laboratory sciences, epidemiology, environ-
4	mental health, health communications, health
5	education and behavioral sciences, information
6	sciences, or public administration;
7	"(2) be a United States citizen;
8	"(3) submit an application to the Secretary to
9	participate in the Program; and
10	"(4) sign and submit to the Secretary, at the
11	time of the submission of such application, a written
12	contract (described in subsection (d)) to serve, upon
13	the completion of the course of study or program in-
14	volved, for the applicable period of obligated service
15	in the full-time employment of a Federal, State,
16	local, or tribal public health agency or a health cen-
17	ter.
18	"(c) Dissemination of Information.—
19	"(1) Application and contract forms.—
20	The Secretary shall disseminate application forms
21	and contract forms to individuals desiring to partici-
22	pate in the Program. The Secretary shall include
23	with such forms—
24	"(A) a fair summary of the rights and li-
25	abilities of an individual whose application is

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1	approved (and whose contract is accepted) by
2	the Secretary, including in the summary a clear
3	explanation of the damages to which the United
4	States is entitled in the case of the individual's
5	breach of the contract; and
6	"(B) information relating to the service ob-
7	ligation and such other information as may be
8	necessary for the individual to understand the
9	individual's prospective participation in the Pro-
10	gram.
11	"(2) Information for schools.—The Sec-
12	retary shall distribute to health professions schools
13	and other appropriate accredited academic institu-
14	tions and relevant Federal, State, local, and tribal
15	public health agencies, materials providing informa-
16	tion on the Program and shall encourage such
17	schools, institutions, and agencies to disseminate
18	such materials to potentially eligible students.
19	"(3) Understandability and timing.—The
20	application form, contract form, and all other infor-
21	mation furnished by the Secretary under this section
22	shall—
23	"(A) be written in a manner calculated to

be understood by the average individual apply-

ing to participate in the Program; and

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1	"(B) be made available by the Secretary on
2	a date sufficiently early to ensure that such in-
3	dividuals have adequate time to carefully review
4	and evaluate such forms and information.
5	"(d) Contract.—The written contract between the
6	Secretary and an individual shall contain—
7	"(1) an agreement on the part of the Secretary
8	that the Secretary will provide the individual with a
9	scholarship for a period of years (not to exceed 4
10	academic years) during which the individual shall
11	pursue an approved course of study or program to
12	prepare the individual to serve in the public health
13	workforce;
14	"(2) an agreement on the part of the individual
15	that the individual will—
16	"(A) maintain full-time enrollment in the
17	approved course of study or program described
18	in subsection $(b)(1)$ until the individual com-
19	pletes that course of study or program;
20	"(B) while enrolled in the course of study
21	or program, maintain an acceptable level of aca-
22	demic standing (as determined under regula-
23	tions of the Secretary by the educational insti-
24	tution offering such course of study or pro-
25	gram); and

1	"(C) immediately upon graduation, serve
2	in the full-time employment of a Federal, State,
3	local, or tribal public health agency or a health
4	center in a position related to the course of
5	study or program for which the contract was
6	awarded for a period of time (referred to in this
7	section as the 'period of obligated service')
8	equal to the greater of—
9	"(i) 1 year for each academic year for
10	which the individual was provided a schol-
11	arship under the Program; or
12	"(ii) 2 years;
13	"(3) an agreement by both parties as to the na-
14	ture and extent of the scholarship assistance, which
15	may include—
16	"(A) payment of the tuition expenses of
17	the individual;
18	"(B) payment of all other reasonable edu-
19	cational expenses of the individual including
20	fees, books, equipment, and laboratory ex-
21	penses; and
22	"(C) payment of a stipend of not more
23	than \$1,200 per month for each month of the
24	academic year involved (indexed to account for
25	increases in the Consumer Price Index);

"(4) a provision that any financial obligation of the United States arising out of a contract entered into under this subsection and any obligation of the individual which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this section;

- "(5) a statement of the damages to which the United States is entitled for the individual's breach of the contract; and
- "(6) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with the provisions of this section.
- 13 "(e) Postponing Obligated Service.—With respect to an individual receiving a degree or certificate from 14 15 a school of medicine, public health, nursing, osteopathic medicine, dentistry, veterinary medicine, optometry, po-16 17 diatry, pharmacy, psychology, or social work under a 18 scholarship under the Program, the date of the initiation 19 of the period of obligated service may be postponed, upon 20 the submission by the individual of a petition for such 21 postponement and approval by the Secretary, to the date 22 on which the individual completes an approved internship, 23 residency, or other relevant public health advanced train-
- 25 "(f) Administrative Provisions.—

ing program.

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- "(1) Contracts with institutions.—The
 Secretary may contract with an educational institution in which a participant in the Program is enrolled, for the payment to the educational institution
 of the amounts of tuition and other reasonable educational expenses described in subsection (d)(3).
- "(2) 7 EMPLOYMENT CEILINGS.—Notwith-8 standing any other provision of law, individuals who 9 have entered into written contracts with the Sec-10 retary under this section, while undergoing academic 11 training, shall not be counted against any employ-12 ment ceiling affecting the Department or any other 13 Federal agency.
- 14 "(g) Breach of Contract.—An individual who 15 fails to comply with the contract entered into under sub-
- 16 section (d) shall be subject to the same financial penalties
- 17 as provided for under section 338E for breaches of schol-
- 18 arship contracts under sections 338A.
- 19 "(h) AUTHORIZATION OF APPROPRIATIONS.—There
- 20 are authorized to be appropriated to carry out this section
- 21 \$35,000,000 for each of the fiscal years 2010 through
- 22 2015.
- 23 "(i) Definition.—For purposes of this subpart, the
- 24 term 'health center' has the meaning given such term in
- 25 section 330(a).

1 "SEC. 781. PUBLIC HEALTH WORKFORCE LOAN REPAYMENT

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2	PROGRAM.
3	"(a) Establishment.—The Secretary shall estab-
4	lish the Public Health Workforce Loan Repayment Pro-
5	gram (referred to in this section as the 'Program') to as-
6	sure an adequate supply of public health professionals to
7	eliminate critical public health workforce shortages in
8	Federal, State, local, and tribal public health agencies and
9	in health centers.
10	"(b) Eligibility.—To be eligible to participate in
11	the Program, an individual shall—
12	"(1)(A) be accepted for enrollment, or be en-
13	rolled, as a full-time or part-time student in an ac-
14	credited academic educational institution in a State
15	or territory in the final year of a course of study or
16	program offered by that institution leading to a
17	health professions degree or certificate, which may
18	include a degree (graduate, undergraduate, or asso-
19	ciate) or certificate relating to public health, labora-
20	tory sciences, epidemiology, environmental health,
21	health communications, health education and behav-
22	ioral sciences, information sciences, or public admin-
23	istration; or
24	"(B) have graduated, within 10 years, from an
25	accredited educational institution in a State or terri-
26	tory and received a health professions degree (grad-

- uate, undergraduate, or associate) or certificate,
 which may include a degree (graduate, undergraduate, or associate) or certificate relating to public health, laboratory sciences, epidemiology, environmental health, health communications, health education and behavioral sciences, information sciences,
 - "(2)(A) in the case of an individual described in paragraph (1)(A), have accepted employment with a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary, to commence upon graduation; or
 - "(B) in the case of an individual described in paragraph (1)(B), be employed by, or have accepted employment with, a Federal, State, local, or tribal public health agency or a health center, as recognized by the Secretary;
 - "(3) be a United States citizen;

or public administration:

- "(4) submit an application to the Secretary to participate in the Program; and
- "(5) sign and submit to the Secretary, at the time of the submission of such application, a written contract (described in subsection (d)) to serve for the applicable period of obligated service in the full-

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1 time employment of a Federal, State, local, or tribal 2 public health agency or a health center. 3

"(c) Dissemination of Information.—

- "(1) APPLICATION AND CONTRACT FORMS.— The Secretary shall disseminate application forms and contract forms to individuals desiring to participate in the Program. The Secretary shall include with such forms—
 - "(A) a fair summary of the rights and liabilities of an individual whose application is approved (and whose contract is accepted) by the Secretary, including in the summary a clear explanation of the damages to which the United States is entitled to recover in the case of the individual's breach of the contract; and
 - "(B) information relating to the service obligation and such other information as may be necessary for the individual to understand the individual's prospective participation in the Program.
- "(2) Information for schools.—The Secretary shall distribute to health professions schools and other appropriate accredited academic institutions and relevant Federal, State, local, and tribal public health agencies and health centers, materials

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1	providing information on the Program and shall en-
2	courage such schools, institutions, and agencies to
3	disseminate such materials to potentially eligible stu-
4	dents.
5	"(3) Understandability and timing.—The
6	application form, contract form, and all other infor-
7	mation furnished by the Secretary under this section
8	shall—
9	"(A) be written in a manner calculated to
10	be understood by the average individual apply-
11	ing to participate in the Program; and
12	"(B) be made available by the Secretary on
13	a date sufficiently early to ensure that such in-
14	dividuals have adequate time to carefully review
15	and evaluate such forms and information.
16	"(d) Contract.—The written contract (referred to
17	in this section) between the Secretary and an individual
18	shall contain—
19	"(1) an agreement on the part of the Secretary
20	that the Secretary will repay on behalf of the indi-
21	vidual loans incurred by the individual in the pursuit
22	of the relevant public health workforce educational

degree or certificate in accordance with the terms of

the contract;

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"(2) an agreement on the part of the individual that the individual will serve, immediately upon graduation in the case of an individual described in subsection (b)(1)(A) service, or in the case of an individual described in subsection (b)(1)(B) continue to serve, in the full-time employment of a Federal, State, local, or tribal public health agency or health center in a position related to the course of study or program for which the contract was awarded for a period of time (referred to in this section as the 'period of obligated service') equal to the greater of—

"(A) 3 years; or

"(B) such longer period of time as determined appropriate by the Secretary and the individual;

"(3) an agreement, as appropriate, on the part of the individual to relocate for the entire period of obligated service to a political jurisdiction designated by the Secretary to be a priority service area in exchange for an additional loan repayment incentive amount that does not exceed 20 percent of the individual's eligible loan repayment award per academic year such that the total of the loan repayment and the incentive amount shall not exceed ½ of the eligible loan balance per year;

1 "(4) in the case of an individual described in 2 subsection (b)(1)(A) who is in the final year of study 3 and who has accepted employment with a Federal, State, local, or tribal public health agency or a 5 health center upon graduation, an agreement on the 6 part of the individual to complete the education or training, maintain an acceptable level of academic 7 8 standing (as determined by the education institution 9 offering the course of study or training), and agree 10 to the period of obligated service;

- "(5) a provision that any financial obligation of the United States arising out of a contract entered into under this section and any obligation of the individual that is conditioned thereon, is contingent on funds being appropriated for loan repayments under this section;
- "(6) a statement of the damages to which the United States is entitled, under this section for the individual's breach of the contract; and
- "(7) such other statements of the rights and liabilities of the Secretary and of the individual, not inconsistent with this section.
- 23 "(e) Payments.—
- 24 "(1) IN GENERAL.—A loan repayment provided 25 for an individual under a written contract under the

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Program shall consist of payment, in accordance with paragraph (2), on behalf of the individual of the principal, interest, and related expenses on government and commercial loans received by the individual regarding the undergraduate or graduate education of the individual (or both), which loans were made for—

"(A) tuition expenses; or

"(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual.

"(2) Payments for years served.—

"(A) IN GENERAL.—For each year of obligated service that an individual contracts to serve under subsection (d) the Secretary may pay up to \$35,000 on behalf of the individual for loans described in paragraph (1). With respect to participants under the Program whose total eligible loans are less than \$105,000, the Secretary shall pay an amount that does not exceed ½ of the eligible loan balance for each year of obligated service of the individual.

"(B) REPAYMENT SCHEDULE.—Any arrangement made by the Secretary for the making of loan repayments in accordance with this

1	subsection shall provide that any repayments
2	for a year of obligated service shall be made no
3	later than the end of the fiscal year in which
4	the individual completes such year of service.
5	"(3) Tax liability.—For the purpose of pro-
6	viding reimbursements for tax liability resulting
7	from payments under paragraph (2) on behalf of an
8	individual—
9	"(A) the Secretary shall, in addition to
10	such payments, make payments to the indi-
11	vidual in an amount not to exceed 39 percent
12	of the total amount of loan repayments made
13	for the taxable year involved; and
14	"(B) may make such additional payments
15	as the Secretary determines to be appropriate
16	with respect to such purpose.
17	"(4) Payment schedule.—The Secretary
18	may enter into an agreement with the holder of any
19	loan for which payments are made under the Pro-
20	gram to establish a schedule for the making of such
21	payments.
22	"(f) Postponing Obligated Service.—With re-
23	spect to an individual receiving a degree or certificate from
24	a school of medicine, public health, nursing, osteopathic

25 medicine, dentistry, veterinary medicine, optometry, po-

- 1 diatry, pharmacy, psychology, or social work, the date of
- 2 the initiation of the period of obligated service may be
- 3 postponed, upon the submission by the individual of a peti-
- 4 tion for such postponement and approval by the Secretary,
- 5 to the date on which the individual completes an approved
- 6 internship, residency, or other relevant public health ad-
- 7 vanced training program.
- 8 "(g) Administrative Provisions.—
- 9 "(1) Hiring priority.—Notwithstanding any
- other provision of law, Federal, State, local, and
- 11 tribal public health agencies and health centers may
- give hiring priority to any individual who has quali-
- fied for and is willing to execute a contract to par-
- ticipate in the Program.
- 15 "(2) EMPLOYMENT CEILINGS.—Notwith-
- standing any other provision of law, individuals who
- have entered into written contracts with the Sec-
- 18 retary under this section, who are serving as full-
- time employees of a State, local, or tribal public
- 20 health agency or a health center, or who are in the
- 21 last year of public health workforce academic prepa-
- ration, shall not be counted against any employment
- ceiling affecting the Department or any other Fed-
- eral agency.

- 1 "(h) Breach of Contract.—An individual who
- 2 fails to comply with the contract entered into under sub-
- 3 section (d) shall be subject to the same financial penalties
- 4 as provided for under section 338E for breaches of loan
- 5 repayment contracts under section 338B.
- 6 "(i) AUTHORIZATION OF APPROPRIATIONS.—There
- 7 are authorized to be appropriated to carry out this section
- 8 \$195,000,000 for each of the fiscal years 2010 through
- 9 2015.

10 "SEC. 782. GRANTS FOR STATE AND LOCAL PROGRAMS.

- 11 "(a) In General.—For the purpose of operating
- 12 State, local, tribal, and health center public health work-
- 13 force loan repayment programs under this subpart, the
- 14 Secretary shall award a grant to any public health agency
- 15 that receives public health preparedness cooperative agree-
- 16 ments, or other successor cooperative agreements, from
- 17 the Department of Health and Human Services.
- 18 "(b) Requirements.—A State or local loan repay-
- 19 ment program operated with a grant under subsection (a)
- 20 shall incorporate all provisions of the Public Health Work-
- 21 force Loan Repayment Program under section 781, in-
- 22 cluding the ability to designate priority service areas with-
- 23 in the relevant political jurisdiction.
- 24 "(c) Administration.—The head of the State or
- 25 local office that receives a grant under subsection (a) shall

- 1 be responsible for contracting and operating the loan re-
- 2 payment program under the grant.
- 3 "(d) Rule of Construction.—Nothing in this sec-
- 4 tion shall be construed to obligate or limit any State, local,
- 5 or tribal government entity from implementing inde-
- 6 pendent or supplemental public health workforce develop-
- 7 ment programs within their borders.
- 8 "SEC. 783. TRAINING FOR MID-CAREER PUBLIC HEALTH
- 9 **PROFESSIONALS.**
- 10 "(a) IN GENERAL.—The Secretary may make grants
- 11 to, or enter into contracts with, any eligible entity to
- 12 award scholarships to eligible individuals to enroll in de-
- 13 gree or professional training programs for the purpose of
- 14 enabling mid-career professionals in the public health
- 15 workforce to receive additional training in the field of pub-
- 16 lie health.
- 17 "(b) Eligibility.—
- 18 "(1) Eligible entity.—The term 'eligible en-
- 19 tity' indicates an accredited educational institution
- that offers a course of study, certificate program, or
- 21 professional training program in infectious disease
- science, medicine, public health, veterinary medicine,
- or other discipline impacting or influenced by bioter-
- rorism or emerging infectious diseases.

1	"(2) Eligible individuals.—The term 'eligi-
2	ble individuals' includes those individuals employed
3	in public health positions at the Federal, State, trib-
4	al, or local level or a health center who are inter-
5	ested in retaining or upgrading their education.
6	"(c) Authorization of Appropriations.—There
7	are authorized to be appropriated to carry out this section,
8	\$30,000,000 for each of the fiscal years 2010 through
9	2015.
10	"SEC. 784. CATALOGUE OF FEDERAL PUBLIC HEALTH
11	WORKFORCE EMPLOYMENT OPPORTUNITIES.
12	"(a) In General.—The Director of the Office of
13	Personnel Management, in cooperation with the Secretary,
14	shall ensure that, included in the Internet website of the
15	Office of Personnel Management, there is an online cata-
16	logue, or link to an online catalogue, of public health work-
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1 /	force employment opportunities in the Federal Govern-
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	force employment opportunities in the Federal Govern-
18	force employment opportunities in the Federal Government.
18 19	force employment opportunities in the Federal Government. "(b) Requirements.—To the extent practicable, the
18 19 20	force employment opportunities in the Federal Government. "(b) Requirements.—To the extent practicable, the catalogue described in subsection (a) shall include—
18 19 20 21	force employment opportunities in the Federal Government. "(b) Requirements.—To the extent practicable, the catalogue described in subsection (a) shall include— "(1) existing and projected job openings in the

1	"(c) Information.—The Secretary shall include a
2	copy of the catalogue described in subsection (a), or a
3	prominent reference to the catalogue, in—
4	"(1) the application forms provided under sec-
5	tion $780(c)(1)$; and
6	"(2) the information for schools provided under
7	section $780(c)(2)$.".

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